

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 17, 2003  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

**Table of Contents**

CHRONOLOGY OF THE MEETING .....	4
ATTENDANCE DURING THE MEETING .....	5
ITEM-300: ROLL CALL .....	5
NON-AGENDA COMMENT .....	6
COUNCIL COMMENT .....	9
CITY MANAGER COMMENT .....	10
CITY ATTORNEY COMMENT .....	10
* ITEM-50: Wastewater System Financing Program .....	10
* ITEM-100: <u>Two</u> actions related to Inviting Bids and Award of Contract for Point Loma - Digester S1 and S2 Upgrades .....	11
* ITEM-101: Request for Additional Funding for Del Rey Sewer Main Replacement - Contract Change Order No. 2 .....	14
* ITEM-102: Contract Change Order No. 4 - "Resurfacing Various Streets Citywide Group R-6." .....	16
* ITEM-103: Transfer of Economic Development and Tourism Support Program (TOT) Funds .....	18
* ITEM-104: KTU+A Agreement for Mid City Transit Gateways Project, Amendment No. 1. ....	19
* ITEM-105: Establishment of the Seasonal San Diego Regional Fire and Rescue Helicopter Program .....	21

**Minutes of Tuesday, June 17, 2003**  
**Table of Contents (Continued)**

**Page 2**

* ITEM-106: State Route 252 Corridor Park Development - Grant Application . . . . .	22
* ITEM-107: Annual Review of North City West (Carmel Valley) School Facilities Master Plan, FY 2001-2002 . . . . .	24
* ITEM-108: Fiscal Year 2004 Tax Appropriation Limit . . . . .	25
ITEM-109: Business Improvement District Budgets FY 2004 . . . . .	26
* ITEM-110: Nomination to the Centre City Development Corporation Board of Directors . .	27
* ITEM-111: Cancellation of the 2:00 p.m., Wednesday, August 6, 2003, Land Use and Housing Committee Meeting . . . . .	28
* ITEM-112: Children's Hospital Auxiliary Day . . . . .	29
* ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico . . . . .	29
* ITEM-114: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region . . . . .	30
ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) . . . . .	31
* ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City . . . . .	32
ITEM-250: Settlement of the Property Damage Claim of American Contractors Indemnity Company . . . . .	32
ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement . . . . .	33
ITEM-330: Matter of the appeal by A & B Family Investment, Inc. of the decision by the Planning Commission in approving Conditional Use Permit No. 8467, without the sale of alcoholic beverages; approving Site Development Permit No. 10839; and approving Phased Project Redevelopment Permit No. 10840. The project site is located at 5111 College Avenue at the corner of College Avenue and Montezuma Road. . . . .	33

ITEM-331: Alley Vacation in Block 182 of Map 1651. ....	36
ITEM-332: <u>Two</u> actions related to Naval Training Center Redevelopment Project. ....	38
ITEM-S500: Reloan of City Funds to the Redevelopment Agency .....	40
NON-DOCKET ITEMS .....	41
ADJOURNMENT .....	41

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:10 a.m.

Mayor Murphy introduced and welcomed officials from Japan on behalf of the City. Mayor Murphy announced that San Diego is hosting three ships from the Japanese Maritime Self Defense Force; ships from Escort Division 6-3 that arrived last Friday at the 32nd Street Naval Station on the 150th anniversary of Commodore Perry's arrival in Japan that signaled the opening up of relationships between the United States and Japan.

Mayor Murphy recessed the meeting at 11:08 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:16 a.m. with all Council Members present. The meeting was recessed at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. Mayor Murphy recessed the meeting at 2:48 p.m. to convene the Budget Review Committee. Mayor Murphy reconvened the meeting at 3:11 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:05 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:16 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:18 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:25 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:44 p.m. for the purpose of a break and thereafter to convene the meeting in Closed Session to discuss pending and potential litigation and Meet and Confer Matters.

Mayor Murphy reconvened the meeting at 7:54 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 8:05 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 8:19 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 8:20 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 8:23 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 8:23 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (pr/er)

FILE LOCATION:                      MINUTES

ITEM-300:                      ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding United States history and court officials.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:31 a.m.)

PUBLIC COMMENT-2:

Comment by Al Strohlein regarding comparing Pacific Beach communities to La Jolla communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. - 10:34 a.m.)

PUBLIC COMMENT-3:

Comment by Katherine Strohlein wishing to make a report on the Thunderboat races, and to thank the City Manager for looking into her concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:36 a.m.)

PUBLIC COMMENT-4:

Comment by Amy Caldwell regarding the parking meter hours expansion in the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:38 a.m. )

**PUBLIC COMMENT-5:**

Comment by Bill Bradshaw regarding City priorities and the City Pension Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. - 10:41 a.m.)

**PUBLIC COMMENT-6: REFERRED TO THE CITY MANAGER**

Comment by Sharlene Ornelas regarding disability awareness training, and plans to check procedures.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. - 10:46 a.m.)

**PUBLIC COMMENT-7:**

Comment by Jim Varnadore wishing to thank the Council and the Mayor for a "Bright Shining Moment."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:47 a.m.)

**PUBLIC COMMENT-8:**

Comment by Noel Neudeck regarding his feelings that there was failure to fund plan checkers for public works projects.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:49 a.m.)

**PUBLIC COMMENT-9:**

Comment by Jarvis Ross wishing to commend the Mayor for his decisions regarding McMillian Company wanting to build a new Hotel, and wishing to thank the Council for other positive actions throughout the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:52 a.m.)

**PUBLIC COMMENT-10:**

Comment by Joyceline Tarr regarding City Government spending and San Diego Police Officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:55 a.m.)

**PUBLIC COMMENT-11:**

Comment by Don Leightling regarding North Park and the trimming of palm trees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. - 10:58 a.m.)

**PUBLIC COMMENT-12:**

Comment by Autie Hines regarding Metropolitan United Ministries and his program "Urban Advocates."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. - 11:00 a.m.)



**PUBLIC COMMENT-13:**

Comment by Rebekah Hess Eaves asking that the City Council adopt a Resolution to help the City's Sister City, Yantai.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:03 a.m.)

**PUBLIC COMMENT-14:**

Comment by Ron Boshun regarding actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. - 11:07 a.m.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Mayor Murphy wished Council Member Peters a "Happy Birthday."

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:08 p.m. - 2:08 p.m.)

**COUNCIL COMMENT-2:**

Council Member Atkins commended the Fire Department on the success of the four-week academy for firefighter paramedics.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:18 p.m.)

**CITY MANAGER COMMENT:**

City Manager Uberuaga commented on the budgetary reduction of management staff.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:18 p.m. - 2:20 p.m.)

**CITY ATTORNEY COMMENT:**

City Attorney Gwinn announced that Mayor Murphy was the recipient of an award given by the U.S. Conference of Mayors for the San Diego Family Justice Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:08 p.m. - 2:11 p.m.)

\* ITEM-50: Wastewater System Financing Program.

(See City Manager Report CMR-03-120.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2003-161) INTRODUCED, TO BE ADOPTED ON JUNE 30, 2003

Introduction of an Ordinance approving the form of and authorizing the issuance of not to exceed \$1,200,000,000 aggregate principal amount of the public facilities financing authority of the City of San Diego subordinated Sewer Revenue Bonds, Series 2003A and Series 2003B (payable solely from subordinated installment payments secured by Wastewater System Net Revenues); approving the form of an indenture and approving the form of and authorizing the execution and delivery of a First Amendatory Supplement and a 2003 Supplement to the Master Installment Purchase Agreement relating to an installment purchase financing and approving certain other agreements and actions in connection therewith.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO INTRODUCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-100: Two actions related to Inviting Bids and Award of Contract for Point Loma - Digester S1 and S2 Upgrades.

(See memorandum from Scott Tulloch dated 5/21/2003. Point Loma Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-1450) ADOPTED AS RESOLUTION R-298087

Approving the plans and specifications for the upgrade of Digesters S1 and S2 at the Point Loma Wastewater Treatment Plant (Project) on Work Order No. 198704;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases, to award a contract to, and to execute a contract with the lowest responsible and reliable bidder for the project in an amount not to exceed \$13,609,485, together with any reasonably necessary modifications or amendments thereto which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the project with the execution of each Phase by the City Manager contingent upon City Council approval of the originating department's operating budget for the respective fiscal year, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$13,609,485 of which \$13,024,262 is from Sewer Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2 Upgrades for Project construction, construction management and related costs, and \$585,223 is from Sewer Fund 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingencies, for the purpose of funding contingencies, for the purpose of providing funds for the Project and related costs in the following manner:

- Phase 1            From FY 2004 appropriations, contingent upon approval of FY 2004 operating budget.
- Phase 2            From FY 2005 appropriations, contingent upon approval of FY 2005 operating budget.
- Phase 3            From FY 2006 appropriations, contingent upon approval of FY 2006 operating budget.

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03103)

Subitem-B: (R-2003-1451) ADOPTED AS RESOLUTION R-298088

Authorizing the City Manager to execute Amendment No. 4 to the Agreement with John Carollo Engineers, Inc., for additional design services in connection with CIP-46-218.0, Point Loma - Digesters S1 and S2 Upgrades, in an amount not to exceed \$458,900, contingent upon the approval of the FY 2004 Capital Improvement Program and Appropriation Ordinance budget and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$458,900 from Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2 Upgrades, for the purpose of funding the aforementioned Amendment with John Carollo Engineers, Inc., contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance budget, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary are, or will be, on deposit with the City Treasurer;

Authorizing the transfer of previously authorized appropriations and expenditures for funding portions of Amendments Nos. 2 and 3 to the Carollo Agreement in the amount of \$741,100 from Fund 41509, CIP-46-170.0, Point Loma Digester Facility Upgrade and Expansion to Fund 41509, CIP-46-218.0, Point Loma - Digester S1 and S2 Upgrades.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 5/28/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

Approval of the proposed actions will allow for construction advertising, bidding and award of the Digester S1/S2 Upgrades project and provide for engineering services during construction by the design engineer, Carollo Engineers. The Digester S1/S2 Upgrades project is the last of five (5) construction packages for the master planned Point Loma Wastewater Treatment Plant (PLWTP) Digester Upgrades and Expansion project. The PLWTP digester system consists of six older digesters, a recently constructed holding tank digester and a recently constructed new digester. The Digester S1/S2 Upgrades project will upgrade and rehabilitate the last remaining pair of older digesters and insure that the necessary digesters are available at all times and the City meets the federal regulation requirements for Class B biosolids. The project will replace the existing covers of Digesters S1 and S2, upgrade the biosolids mixing and heating system, and replace the existing exposed gas compressor facility with an enclosed facility.

In 1993, Council approved the original consultant contract with Carollo Engineers for the PLWTP Digester Upgrades and Expansion (DUE) CIP project. Carollo Engineers, Inc. is owned by a partnership of 45 principals. A first task of the original contract was to prepare a master plan for upgrading the digester system. Amendment No. 1 to the contract was required to implement the master plan improvements recommended by the consultant and City. Amendments No. 2 and 3 were required for additional design work associated with the multiple construction contracts and unforeseen pipe gallery conditions, value engineering design changes to reduce construction costs and improve maintenance, and funding schedule changes. The proposed Amendment No. 4 is needed to reestablish the fees for services during construction of the Digester S1/S2 Upgrades and for preparation of loop diagrams which were previously prepared through other contracts. For capitalization purposes, Council authorization is also requested to transfer past design expenditures for the Digester S1/S2 Upgrade from the DUE CIP to the Digester S1/S2 Upgrades CIP. The Metro Commission has approved the added expenditure.

**FISCAL IMPACT:**

The total of this request is \$14,809,485 of which \$1,200,000 is for design, \$13,024,262 is for construction, construction management and related costs, and \$585,223 is for contingencies. Funds for design, construction, construction management and related costs are available from Sewer Fund 41509, CIP-46-218.0, Point Loma -Digester S1 and S2 Upgrades; funds for construction contingencies are available in Sewer Fund 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency. This contract will be phase funded over three fiscal years.

Mendes/Tulloch/JAW

FILE LOCATION: SUBITEMS A & B: CONT - Archer Western  
Constructors, Inc.; W. O. 198704

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: Request for Additional Funding for Del Rey Sewer Main Replacement - Contract Change Order No. 2.

(See memorandum from Frank Belock, Jr., dated 5/21/2003. Pacific Beach and City Heights Community Areas. Districts-2, 3 and 7.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1422) ADOPTED AS RESOLUTION R-298089

Approving Change Order No. 2, dated March 25, 2003, issued in connection with the contract between the City of San Diego and Pacific Southwest Construction & Equipment, amounting to a net increase in the contract price of \$351,184.33;

Authorizing the City Auditor and Comptroller to transfer \$244,018 from Sewer Fund 41506 (of which \$208,000 is from CIP-46-198.0, UCSD Trunk Sewer, \$21,094 is from CIP-40-928.0, South Pacific Highway Trunk Sewer, \$11,000 is from CIP-41-923.0, Sewer Pump Station 26 and \$3,924 is from CIP-46-199.0,

West Linda Vista Trunk Sewer) to Sewer Fund 41506, CIP-44-001.0, Annual Allocation, Sewer Main Replacement, for the purpose of funding the change order;

Authorizing the additional expenditure of an amount not to exceed \$351,184.33 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for providing funds for the construction of the Del Rey Sewer Replacement Project, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess budgeted funds to the appropriate reserve.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 5/28/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

The Del Rey Sewer Main Replacement Project is part of the City's ongoing Concrete Sewer Replacement Program. This project was awarded to Pacific Southwest, Inc., on January 17, 2002. The scope of this project is approximately 3,363 feet of sewer main, abandonment of existing 2,688 linear feet of 30-inch vitrified clay sewer main, 8 new pedestrian ramps, 38 concrete sidewalk/curb impression replication, and street repair.

Construction Change Order No. 2 is a result of unforeseen underground conditions. During construction, an 8-inch sewer lateral was found to be in conflict with an existing 6-inch and 16-inch gas lines. This conflict necessitated that the existing 30-inch sewer main to be abandoned, be repaired, cleaned and kept in service until SDG&E could relocate the conflicting utilities. Other unforeseen conditions included existing wet clayey soil unsuitable for use as backfill, additional potholing and protection of existing utilities, and additional replacement of concrete pavement. Other quantities have been adjusted by actual field measurements.

**FISCAL IMPACT:**

The total estimated costs of this project is \$2,077,609.27. Funding of \$1,726,424.94 was previously authorized by Council Resolution R-296449 on May 7, 2002. This request is authorizing additional expenditures of \$351,184.33 from Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement for this purpose.

Loveland/Belock/HR

Aud. Cert. 2301182.

WWF-03-655.

FILE LOCATION: CONT-Pacific Southwest Construction & Equipment

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Contract Change Order No. 4 - "Resurfacing Various Streets Citywide Group R-6."

(Districts-1, 3 and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1474) ADOPTED AS RESOLUTION R-298090

Authorizing the City Manager to execute Contract Change Order No. 4, dated May 29, 2003, issued in connection with the contract between the City of San Diego and Superior Ready Mix Concrete, dba SRM contracting and Paving, for resurfacing various streets City-wide Group R-6, increasing the contract amount by \$222,273.72 to \$3,583,376.65;



Authorizing the expenditure of an amount not to exceed \$222,273.72 for Change Order No. 4, from Fund 30100, CIP-37-028.0.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 21, 2002, the City Council authorized the City Manager to execute a contract extension option with Superior Ready Mix Concrete, dba SRM Contracting and Paving for the Resurfacing of Various Streets City Wide Group R-6 in the amount of \$4,273,750.

On February 18, 2003, Contract Change Order No. 1 added \$62,352.93 for the resurfacing of Tenth Avenue following the completion of Sewer Group 464 C. On March 4, 2003, Contract Change Order No. 3 added \$25,000 for additional materials required for the resurfacing of Sherman Street. On May 20, 2003, the City Council approved Contract Change Order No. 2 which reduced the contract by \$1,000,000 due to a reallocation of AB2928 funds from the State of California.

Contract Change Order No. 4 is the result of coordination efforts by the Transportation Department and the Engineering and Capital Projects Department. The Street Division will add 1.6 miles of resurfacing for streets that have recently had overhead utilities placed underground. This action will increase the contract by \$222,273.72 from \$3,361,102.93 to \$3,583,376.65.

**FISCAL IMPACT:**

\$222,273.72 for this contract change order is being provided by Undergrounding Surcharge Fund 30100.

Loveland/Gonzalez/MMW

Aud. Cert. 2301232.

**FILE LOCATION:** CONT-Superior Ready Mix Concrete, dba SRM  
Contracting & Paving W. O. 005765

**COUNCIL ACTION:** (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Transfer of Economic Development and Tourism Support Program (TOT) Funds.

(Mid City/City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1385)            ADOPTED AS RESOLUTION R-298091

Authorizing the reprogramming of an amount not to exceed \$20,502.39 from FY 2003 Economic Development and Tourism Support (EDTS) program for contract services to be provided by the City Heights CDC for economic development and employment assistance to the business community;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$20,502.39 from the EDTS program DE No. 2300209 (Fund No. 10220, Dept No. 922, Org. No. 4087, and Job Order No. 004087), to City Heights CDC for the purpose of committing to keep the balance of these remainder Transient Occupancy Tax (TOT) funds in City Heights.

**CITY MANAGER SUPPORTING INFORMATION:**

In the FY 2003 TOT EDTS fund allocation process, the Mayor and City Council allocated \$44,070 to the City Heights Business Improvement Association (CHBIA). On November 15, 2002, the Community and Economic Development Department (CED), in keeping with a decision to facilitate a new strategic planning process for City Heights' businesses, terminated the City's FY 2003 agreement with CHBIA (agreement recorded as Document C-11524, dated August 21, 2002). The decision to terminate the agreement with CHBIA contemplated committing the remaining balance of the funds allocated in FY 2003 (\$20,502.39) to the original scope of services in the City Heights area to continue economic development and employment assistance to the business community.

The requested action will facilitate the aforementioned commitment as approximately 80% of the scope of services contained in the FY 2003 CHBIA agreement was to be performed by its subcontractor, the City Heights Community Development Corporation (CHCDC). If approved, this action will authorize the Manager to execute a new agreement with the CHCDC for the remaining fund balance (\$20,502.39) to complete the original scope of services which includes:

1) Job Training and Placement, 2) City Heights Business Goods and Services Directory and Database, 3) City Heights Job Fair, 4) SR-15 Freeway Economic Development, 5) City Heights Business Intervention and 6) Organize and Support Development of City Heights Economic Development Committee.

**FISCAL IMPACT:**

\$20,502.39 will be transferred from City Heights Business Improvement Association to the City Heights Community Development Corporation.

Herring/Cunningham/LO

Aud. Cert. 2301217.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-104: KTU+A Agreement for Mid City Transit Gateways Project, Amendment No. 1.

(City Heights, Normal Heights and Kensington Community Areas. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1452) ADOPTED AS RESOLUTION R-298092

Authorizing the City Manager to execute Amendment No. 1 to the Agreement with Kawasaki, Theilacker, Ueno & Associates (KTU+A) for additional design services in connection with the Mid City Transit Gateways Project, in an amount not to exceed \$74,247;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$74,247 from CIP-39-232.0, Mid City Transit Gateways Project, Fund No. 30244, for providing additional funds for design services for the project, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

The Mid City Transit Gateways Project (Project) is funded by a Federal TEA21 enhancement grant (88.53%) and a City TransNet match (11.47%). The project will add transit shelters, benches, landscaping, noise attenuation panels, small retail buildings with bathrooms, public art and community identification signage to the freeway bridge decks over I-15 at El Cajon Boulevard and University Avenue.

During the lengthy design development process, the Community Advisory Committee, MTDB, CalTrans and the City plan check reviewers have made various requests that additional design services be provided over and above Scope of Work stated in the original Agreement (Document No. 294493, Filed January 30, 2001). Also, the design review process has been more lengthy and involved than originally anticipated. Added design services outlined in the Scope of Work (Attachment A of Amendment No. 1) would include: a crosswalk study, engineering for a photovoltaic system on University Avenue, computer models and simulations, base map documentation, working drawings for public art, design of MTDB requirements and a Storm Water Pollution Prevention Plan.

This Council Action would approve Agreement Amendment No. 1 between City and KTU+A, and authorize appropriation and expenditure of \$74,247 for additional design services. The total cost of the original Agreement plus Amendment No. 1 would be \$474,247.

**FISCAL IMPACT:**

Action would authorize appropriation and expenditure of \$74,247 for Agreement Amendment No. 1 from CIP-39-232.0, Mid City Transit Gateways Project, Fund 30244, Dept. 30244, Org. 106, Obj. Acc. 4222, JO 392320.

Herring/Cunningham/SHM

Aud. Cert. 2301187.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-105: Establishment of the Seasonal San Diego Regional Fire and Rescue Helicopter Program.

(See City Manager Reports CMR-03-018 and CMR-03-121, this report was not available at Committee, and memorandum from Rick Smith dated 2/5/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1360) ADOPTED AS RESOLUTION R-298093

Authorizing the City Manager to execute an agreement with the Service Authority for Freeway Emergencies (SAFE), to implement a countywide seasonal Fire and Rescue Helicopter Program to be operated, managed, and administered by the San Diego Fire-Rescue Department, contingent on the receipt of funding from SAFE, the County of San Diego, and private donations for this program;

Authorizing the City Manager to execute an agreement with the County of San Diego, to implement a countywide seasonal Fire and Rescue Helicopter Program to be operated, managed, and administered by the San Diego Fire-Rescue Department, contingent on the receipt of funding from SAFE, the County of San Diego, and private donations for this program;

Authorizing the City Manager to award and execute an agreement with Kachina Aviation, to provide helicopter services for the countywide seasonal Fire and Rescue Helicopter Program, contingent on the receipt of funding from SAFE, the County of San Diego, and private donors for the Fire and Rescue Helicopter Program;

Authorizing the City Manager to accept funds and expend funds received from SAFE, the County of San Diego, and private donors for the Fire and Rescue Helicopter Program;

Authorizing the City Manager to seek, accept, and expend additional funding to extend the Fire and Rescue Helicopter Program and, correspondingly, to amend or modify any agreements in connection therewith which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the Fire and Rescue Helicopter Program.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 2/5/2003, PS&NS voted 5 to 0 to accept the City Manager's report. (Councilmembers Zucchet, Atkins, Lewis, Maienschein and Frye voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-106: State Route 252 Corridor Park Development - Grant Application.

(Southcrest Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1439) ADOPTED AS RESOLUTION R-298094

Authorizing the City Manager to apply to the State of California Land and Water Conservation Fund Program for funds, for the development of the State Route 252 Corridor Park;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, and payments requests, which may be necessary;

Authorizing the City Manager to accept, appropriate and expend funds received;

Authorizing an increase of \$276,550 in the FY 2003 Capital Improvement Program Budget in CIP-29-458.0, State Route 252 Corridor Park, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the monies allocated for the State Route 252 Corridor Park;

Authorizing the City Auditor and Comptroller to appropriate and expend \$776,550 from CIP-29-458.0, State Route 252 Corridor Development, upon receipt of a fully executed grant agreement;

Certifying that the City Council has reviewed and understands the General Provisions contained in the Project Contract shown in the Procedural Guide, and that it has, or will have, sufficient funds to operate and maintain the grant funded project.

The Federal Land and Water Conservation Fund (LWCF) Grant-In-Aid Program provides funds to develop facilities for public outdoor recreation purposes. The LWCF program offers grants on a competitive basis and will fund up to 50% of the cost to develop facilities that support outdoor recreation.

This action authorizes the Manager to apply for LWCF funds to develop Phase I of the State Route 252 Corridor Park. Based on review of the LWCF program criteria, this project was identified as highly competitive for possible funding. Phase I will develop the northerly portion of what is currently an abandoned freeway corridor in the Southcrest Community into a passive park with an open turf field and amenities for picnicking, security lighting, landscaping and walkways. Completion of this park will be a crucial step in the community's drive to enhance the quality of life and promote affordable living in the Southcrest neighborhood. The Southeastern Economic Development Corporation (SEDC) has contributed \$500,000 toward construction of the park which will constitute the City's match for the LWCF grant application. This contribution was approved by Redevelopment Agency and City Council resolutions on April 11, 2000.

**FISCAL IMPACT:**

The total cost of this project will be \$776,550. If the grant is secured, the City will receive \$276,550 from the LWCF, administered by the California Department of Parks and Recreation. The required matching funds of \$500,000 were allocated to development of the State Route 252 Corridor Park by previous San Diego Redevelopment Agency action and are available for the project.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107: Annual Review of North City West (Carmel Valley) School Facilities Master Plan, FY 2001-2002.

(See City Manager Report CMR-03-119. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1423) ADOPTED AS RESOLUTION R-298095

Accepting the Fiscal Year 2001-2002 North City West School Facilities Master Plan for the Carmel Valley Community.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



\* ITEM-108: Fiscal Year 2004 Tax Appropriation Limit.

(See City Manager Report CMR-03-122.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1438)            ADOPTED AS RESOLUTION R-298096

Establishing the following tax appropriations limit for the City of San Diego, pursuant to the authority of California Government Code, Division 9, Title 1 (Sections 7900 et seq):

Established for Fiscal Year 2002	-	\$603,258,862
Established for Fiscal Year 2003	-	\$684,004,095
Established for Fiscal Year 2004	-	\$807,446,834

Declaring that, pursuant to the requirements of Section 7910 of the California Government Code, the documentation upon which the tax appropriations limit herein established has been determined, and has been made available for public information and review at the Office of the City Clerk since June 2, 2003.

**FILE LOCATION:**            MEET

**COUNCIL ACTION:**            (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-109: Business Improvement District Budgets FY 2004.

(Mid-City, Centre City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Southeastern San Diego, College Area, Midway, Mission Beach, Pacific Beach and San Ysidro Community Areas. Districts- 1, 2, 3, 4, 6, 7 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2003-1407) ADOPTED AS RESOLUTION R-298097

Accepting the budget report for each Business Improvement District for July 1, 2003, through June 30, 2004 (FY 2004).

Subitem-B: (R-2003-1408) ADOPTED AS RESOLUTION R-298098

Resolution of Intention to levy an annual assessment within previously established Business Improvement Districts for July 1, 2003, through June 30, 2004 (FY 2004) and setting Tuesday, July 1, 2003 as the noticed public hearing for that purpose.

**CITY MANAGER SUPPORTING INFORMATION:**

Business Improvement Districts (BIDs) are authorized by State law to assess businesses for the cost of certain activities that will benefit those businesses. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Blvd. Central, El Cajon Blvd. Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro.

State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: accept the budget reports and set Tuesday July 1, 2003 for the public hearing to levy the proposed assessment for each BID for FY 2004.

At the public hearing, the City Council may confirm the acceptance of the budget reports, adopt the resolution authorizing the assessments and authorize the City Manager to enter into agreements with the respective associations to manage the BIDs. With respect to the Mission Hills BID (MHBID), the Manager is recommending that the Community and Economic Development Department be authorized to: 1) act as an interim administrator for the MHBID in FY 2004, 2) work with MHBID businesses and the BID Council to facilitate a strategic planning process designed to identify and deliver more effective business services, and 3) identify administrative options to implement recommendations from the strategic planning process and manage MHBID activities going forward.

**FISCAL IMPACT:**

Approximately \$1.2 million of BID assessments will be collected in FY 2004 by City on behalf of BIDs and disbursed back to the BIDs. There is no net fiscal impact.

Herring/Cunningham/MDB

FILE LOCATION: SUBITEMS A & B: STRT-L23 (32)

COUNCIL ACTION: (Time duration: 10:18 a.m. - 10:28 a.m.)

MOTION BY FRYE TO ADOPT. Second by Zucchet. Passed by the following vote:  
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-110: Nomination to the Centre City Development Corporation Board of Directors.

(See memorandum from Mayor Murphy dated May 16, 2003, with resume attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1417) ADOPTED AS RESOLUTION R-298099

Nominating for election to the Centre City Development Corporation Board of Directors:

NOMINEE

Wayne Rafflesberger  
(General Business)

NOMINATED BY

Mayor Dick Murphy  
Councilmembers Zucchet, Peters, and  
Maienschein.

Electing Wayne Rafflesberger to the Centre City Development Corporation Board of Directors, to replace Robert P. Ito, who resigned, for the unexpired term ending May 1, 2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-111: Cancellation of the 2:00 p.m., Wednesday, August 6, 2003, Land Use and Housing Committee Meeting.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1475) RETURNED TO THE CITY MANAGER

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2003, through December 31, 2003, to cancel the Land Use and Housing Committee Meeting of Wednesday, August 6, 2003, at 2:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO RETURN THIS ITEM TO THE CITY MANAGER TO ALLOW THE CANCELED LAND USE AND HOUSING COMMITTEE MEETING OF AUGUST 6, 2003, TO BE PLACED BACK ON THE DOCKET. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-112: Children's Hospital Auxiliary Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1466)            ADOPTED AS RESOLUTION R-298100

Honoring the Children's Hospital Auxiliary for their outstanding service to the people of San Diego;

Proclaiming June 10, 2003, to be "Children's Hospital Auxiliary Day" in the City of San Diego.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1225)            ADOPTED AS RESOLUTION R-298101

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-114: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-808) ADOPTED AS RESOLUTION R-298102

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency Due To Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-115: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1216)          ADOPTED AS RESOLUTION R-298104

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER'S SUPPORTING INFORMATION:**

California Health and Safety Code Section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION:          GEN'L-Local Health Emergency Due to the Spread of The Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION:          (Time duration: 11:51 a.m. - 11:59 a.m.; 2:20 p.m. - 2:47 p.m.)

Motion by Inzunza to adopt. Second by Atkins.

Trailed to afternoon session.

MOTION BY INZUNZA TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- \* ITEM-116: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1345)          ADOPTED AS RESOLUTION R-298103

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION:                  GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION:                  (Time duration: 10:13 a.m. - 10:16 a.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- ITEM-250: Settlement of the Property Damage Claim of American Contractors Indemnity Company.

Adopted as Resolution R-298005.

A Resolution approved by the City Council in Closed Session on Tuesday, May 13, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$54,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of American Contractors Indemnity Company (Superior Court Case No. GIC-786504, Court of Appeal Case No. D040680, American Contractors Indemnity Company v. City of San Diego, et al.);



Authorizing the City Auditor and Comptroller to issue one check in the sum of \$54,000 made payable to American Contractors Indemnity Company and its attorneys, Lanak and Hanna, in full settlement of the lawsuit and all claims.

Aud. Cert. 2301144.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Carmel Del Mar Neighborhood 4 Unit 12  
Carmel Del Mar Neighborhood 4 Unit 13  
Coral Gate Unit No. 3

COMMUNITY AREA

Carmel Valley  
Carmel Valley  
Tijuana River Valley

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-330: Matter of the appeal by A & B Family Investment, Inc. of the decision by the Planning Commission in approving Conditional Use Permit No. 8467, without the sale of alcoholic beverages; approving Site Development Permit No. 10839; and approving Phased Project Redevelopment Permit No. 10840. The project site is located at 5111 College Avenue at the corner of College Avenue and Montezuma Road.

(See City Manager Report CMR-03-114. College Area Community Plan Area. District-7.)

**TODAY'S ACTION IS:**

A motion either granting or denying the request for a hearing of the appeal, and upholding or overturning the decision of the Planning Commission, and granting or denying Conditional Use Permit No. 8467, Site Development Permit No. 10839, and Phased Project Redevelopment Permit No. 10840.

**OTHER RECOMMENDATIONS:**

Planning Commission on May 1, 2003, voted 4-2 to approve; was opposition.

Ayes: Chase, Steele, Brown, Lettieri

Nays: Schultz, Ontai

Not present: Garcia

The College Area Community Council has recommended denial of this project (Alcohol sales only).

**CITY MANAGER SUPPORTING INFORMATION:**

The College Arco project proposes the conversion of an existing 625 square-foot automotive service bay into a convenience store for the retail sale of various and sundry items including prepackaged food and alcoholic beverages limited to beer and wine. The 0.25 acre site is located at 5111 College Avenue at the corner of Montezuma Road within the Core Subarea of the College Community Redevelopment Project Area. The College Area Community Plan designates the site for commercial land use. The site is zoned CN-1-2 and includes the Community Plan Implementation Overlay Type "B" (CPIOZ-B). The property is developed and operating as a service station and repair shop and includes two canopies with ten fuel dispensers, a small snack shop and existing service bay. The property is surrounded by a variety of institutional, commercial and high density residential land uses including the San Diego State University Foundation property to the west, restaurant and retail sales to the north, commercial offices to the east and student housing to the south.

The project requires a Conditional Use Permit (CUP) for the proposed conversion of the service bay to a convenience store and, for the sale of alcoholic beverages. The existing station was built in 1964 and therefore, predates the requirement for a CUP. However, the conversion of the service bay to a convenience store (with or without) the sale of alcohol, precipitates the requirement for a Conditional Use Permit.

The project requires a Site Development Permit (SDP) because the project site is located within the College Area Community Plan Implementation Overlay Zone. And finally, the project requires a Phased Project Redevelopment Permit (PPRP) because the project site is located within the Core Subarea of the College Community Redevelopment Project Area.

**FISCAL IMPACT:**

None. The property owner will bear all of the cost associated with the processing of this application.

Ewell/Christiansen/JPH

FILE LOCATION: LUP-College Arco, 06/17/03, (65)

COUNCIL ACTION: (Time duration: 3:13 p.m.- 5:18 p.m.)

Testimony in opposition by James Lange, Chief John Carpenter, Patti Drieslein, Jill Galante, Sarah Hurd, Dawn Kamali, Cleo Malone, Jeff McDade, Kevin Hauck, Michael Morgan Al Strohle, Patricia Teaze, Betty Torre, and Judy Walsh Jackson.

Testimony in favor by Arkan Somo, Stephen Zolezzi, Jay Levine, Ted Cramer, Christina Kish, and Harold Webber

Motion by Madaffer to grant the appeal and grant Conditional Use Permit No. 8467, Site Development Permit No. 10839, and Phased Project Redevelopment Permit No. 10840. Second by Zucchet. Failed. Nays - 1, 4, 5, 6, M; Yeas - 2, 3, 7, 8.

MOTION BY MADAFFER TO DENY THE APPEAL, UPHOLD THE PLANNING COMMISSION'S DECISION AND GRANT CONDITIONAL USE PERMIT NO. 8467 WITHOUT THE ALCOHOLIC BEVERAGE LICENSE, SITE DEVELOPMENT PERMIT NO. 10839, AND PHASED PROJECT REDEVELOPMENT PERMIT NO. 10840. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Alley Vacation in Block 182 of Map 1651.

(Mission Beach Community Area. District-2.)

(Continued from the meeting of June 3, 2003, Item 333, at the request of Councilmember Peters, for further review.)

**NOTE:** Hearing open. No testimony taken on 6/3/2003.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1130) ADOPTED AS RESOLUTION R-298105

That the alley vacation, as more particularly described in the legal description, as Exhibit "A" and as shown on Drawing No. 19767-B, as Exhibit "B," is ordered vacated;

That this resolution shall not become effective unless and until the applicant shall cut, plug and physically abandon or relocate any existing facilities into Strand Way public right-of-way. The relocation of all facilities shall be per the most current edition of the "Greenbook"-Standard Specifications for Public Works Construction and the City of San Diego Water and Sewer Design Guide. All facilities must be operational and accepted in a manner satisfactory to the City Engineer;

In the event the above condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall then cause a certified copy of this resolution with attached exhibits, attested by him under seal, to be recorded in the Office of the County Recorder.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate an alley in Block 182 of Map 1651 located in the Pacific Beach Community area within Council District 2. The alley is unimproved and there are no plans to construct a street at this location. The Mission Beach Precise Planning Group stated that prior to making a recommendation to the City Council on the vacation, they would like to see details of the development plans. The applicant does not have specific development plans undergoing City review at this time and, has declined to proceed with plans until the vacation request is approved. The applicant has submitted this request for a Street /Alley vacation based upon the merits of the alley vacation issue alone. The street area to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

**FINDINGS:** Staff review has indicated that the right-of-way to be vacated may be vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built or widened at this location.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.
- c) That the vacation is not inconsistent with the General Plan, and approved Community Plan or the Local Coastal Program. The portion of the street being being vacated is not part of the community plan transportation element and land would revert to a MBPD-NC-N zone which is consistent with the community plan land use designation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. There are no present or future plans to construct a street in this area.

**FISCAL IMPACT:**

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

**NOTE:** This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061 (b)(3).

**FILE LOCATION:** STRT-J-2953 (39)

**COUNCIL ACTION:** (Time duration: 3:11 p.m. - 3:13 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-332: Two actions related to Naval Training Center Redevelopment Project.

(See City Manager Report RA-03-12/CMR-03-088. Peninsula Community Area. District-2.)

(Continued from the meetings of May 6, 2003, Item S510, and June 3, 2003, Item 332, last continued at the request of Councilmember Frye, for further review.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2003-1264) TO BE RECONSIDERED ON TUESDAY, JULY 15, 2003

Declaring that Council finds and determines that the publicly owned infrastructure improvements for which the Agency proposes to pay are of benefit to the Naval Training Center Redevelopment Project, that no other reasonable means for financing the proposed publicly owned infrastructure improvements are available to the community, and that the proposed publicly owned infrastructure improvements will assist in eliminating one or more blighting conditions inside the Project area;

Declaring that Council finds and determines that the proposed publicly owned infrastructure improvements are consistent with the Implementation Plan adopted

for the Project by the Redevelopment Agency pursuant to California Health and Safety Code Section 33490;

Subitem-B: (R-2003-1267) TO BE RECONSIDERED ON TUESDAY, JULY 15, 2003

Approving all the terms and conditions in the proposed Memorandum of Understanding;

Authorizing the City Manager, or designee, to execute the Memorandum of Understanding with the NTC Foundation;

Authorizing the City Manager, or designee, to expend an amount not to exceed \$2.7 million in City TOT funds, contingent on the receipt of an Auditor's Certificate to do so, to assist the NTC Foundation with its share of the CAM fees;

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate to carry out and implement the Memorandum of Understanding and to administer the City's obligations, responsibilities and duties to be performed under the Memorandum of Understanding.

**NOTE:** See the Redevelopment Agency Agenda of 6/17/2003 for a companion item.

**FILE LOCATION:** SUBITEMS A & B: NONE

**COUNCIL ACTION:** (Time duration: 5:26 p.m. - 6:44 p.m.; 7:54 p.m. - 8:05 p.m.)

Motion by Madaffer to adopt Subitem A and Return Subitem B to the City Manager. Second by Atkins. Failed. Yeas - 3, 4, 7, 8; Nays - 1, 2, 5, 6, M.

MOTION BY MADAFFER TO WAIVE THE PERMANENT RULES OF COUNCIL. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY PETERS TO RECONSIDER ON MONDAY, JULY 15, 2003. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.





ITEM-S500: Reloan of City Funds to the Redevelopment Agency.

(See City Manager Report RA-03-17/CMR-03-118, Centre City Development Corporation Report CCDC-03-14 and Southeastern Economic Development Corporation Report SEDC-03-004.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1469) ADOPTED AS RESOLUTION R-298106

Accepting loan repayments from the Redevelopment Agency in the amount of \$2.6 million from the City Heights Redevelopment Project Area, and \$130,000 from the Mt. Hope Redevelopment Project Area, to the appropriate City source funds;

Authorizing the transfer of \$400,000 to the Crossroads Redevelopment Project Area and \$130,000 to the Central Imperial Redevelopment Project Area as interest bearing loans to provide funds for appropriate project expenses in the Fiscal Year 2004 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the \$400,000 and \$130,000 as interest bearing loans to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project areas.

Aud. Cert. 2301245.

**NOTE:** See the Redevelopment Agency Agenda of 6/17/2003 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 8:19 p.m. - 8:20 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy 8:23 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:23 p.m.)